

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

CARLA V. CHAMBERS

Plaintiff,

v.

CHOICE HOTELS INTERNATIONAL, INC.

Defendant.

)
)
) Case No. 8:11-cv-00404-DKC
)
)
)
)
)
)
)
)
)
)

**PLAINTIFF'S MOTION TO AMEND COMPLAINT
TO ADD SECOND DEFENDANT**

NOW COMES, Plaintiff CARLA V. CHAMBERS, by and through her attorney, Charles F. Holman, and moves this Honorable Court to grant Plaintiff permission to amend the Complaint to add the name "Choice Hotels International Services Corporation, Inc." for the following reasons:

1. Plaintiff filed the instant action against Defendant Choice Hotels International for unlawful termination.
2. In its Answer, Defendant Choice Hotels International asserted that it was not responsible for Plaintiff's unlawful termination because Plaintiff's true employer was "Choice Hotels International Services Corporation" instead of the named Defendant "Choice Hotels International."
3. Defendant has attempted to escape liability for its actions against Plaintiff by calling itself "Choice Hotels International" on some occasions and "Choice Hotels International

Services Corporation” on other occasions.

4. Defendant called itself “Choice Hotels International” on Plaintiff’s W-2 statements. (Exhibit 1)

5. Defendant called itself “Choice Hotels International” on Plaintiff’s Year-End Performance Appraisal”. (Exhibit 2)

6. Defendant called itself “Choice Hotels International” on its letter of July 1, 2009 congratulating Plaintiff on her work performance. (Exhibit 3)

7. Defendant called itself “Choice Hotels International” on its letter of April 29, 2009 dealing with Defendant’s unlawful termination of Plaintiff’s employment. (Exhibit 4)

8. In contrast, in addition to denying liability as “Choice Hotels International” by claiming “Choice Hotels International Services Corporation” was Plaintiff’s true employer in its Answer, Defendant called itself “Choice Hotels International Services Corporation” in documents dealing with Defendant’s wrongful and unsuccessful effort to deny unemployment compensation to Plaintiff. (Exhibit 5)

9. Because evidence shows Defendant calls itself both “Choice Hotels International” and “Choice Hotels International Services Corporation”, Defendant has apparently created a “shell game” about its name in an attempt to escape liability for its unlawful actions towards Plaintiff.

10. In order to prevent Defendant from escaping liability because of the confusion it has created over its true name, in the interests of justice this Honorable Court should permit Plaintiff to add the entity “Choice Hotels International Services Corporation” as a named defendant to this action.

11. Fed. R. Civ. P. 15(a)(2) authorizes the Court to “freely give leave” to a party to

amend its pleading “when justice so requires.”

12. Before the filing of Defendant’s Answer, Plaintiff’s Counsel advised Defendant’s Counsel that documents show Plaintiff worked for “Choice Hotels International” and Defendant’s Counsel refused to provide documents showing otherwise.

13. Counsel for Plaintiff attempted to obtain Defendant’s Counsel Michael Stevens’ concurrence in the relief sought in this Motion but concurrence was denied.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court grant Plaintiff leave to amend the Complaint to add the entity “Choice Hotels International Services Corporation” as a Defendant in this action. Plaintiff further requests that this Court grant Plaintiff her costs and attorney fees incurred in this Motion.

_____/s/
Charles F. Holman,
Attorney for Plaintiff
611 Park Avenue, Ste. 100
Baltimore, MD 21201
(410) 659-7500
chasfholman3@aol.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 6th day of May, 2011 a true and correct copy of the foregoing Plaintiff’s Motion to Amend Complaint to Add Second Defendant and Motion in Support was served by the Court’s electronic filing system upon the Counsel of Record

_____/s/
Charles F. Holman

Employee Reference Case 8:11-cv-00404-DKC Document 12 Filed 05/06/11 Page 4 of 13
W-2 Wage and Tax Statement 2010
Copy C for employee's records. OMB No. 1545-0008

EXHIBIT 1

d Control number	Dept.	Corp.	Employer use only
0000003241 WQW	314	SL56	A 652
e Employer's name, address, and ZIP code			
CHOICE HOTELS INTERNATIONAL INC AGENT FOR:CHOICE HOTELS 10750 COLUMBIA PIKE SILVER SPRING, MD 20901			
e/f Employee's name, address, and ZIP code			
CARLA CHAMBERS 1605 E STREET, SE WASHINGTON, DC 20003			
b Employer's FED ID number	a Employee's SSA number		
52-1209792			
1 Wages, tips, other comp.	2 Federal income tax withheld		
8765.74	1323.17		
3 Social security wages	4 Social security tax withheld		
8765.74	543.48		
5 Medicare wages and tips	6 Medicare tax withheld		
8765.74	127.10		
7 Social security tips	8 Allocated tips		
9 Advance EIC payment	10 Dependent care benefits		
11 Nonqualified plans	12a See instructions for box 12		
	C 1.28		
14 Other	12b		
	12c		
	12d		
15 State	Employer's state ID no.	16 State wages, tips, etc.	
DC	300000010350	8765.74	
17 State income tax	18 Local wages, tips, etc.		
535.00			
19 Local income tax	20 Locality name		

CARLA CHAMBERS
1605 E STREET, SE
WASHINGTON, DC 20003

Social Security Number:
Taxable Marital Status:
SINGLE
Exemptions/Allowances:
Federal: 1
State: 0
Local: 0

© 2007 ADP, INC.

PAGE 01 OF 01

1 Wages, tips, other comp.	2 Federal income tax withheld		
8765.74	1323.17		
3 Social security wages	4 Social security tax withheld		
8765.74	543.48		
5 Medicare wages and tips	6 Medicare tax withheld		
8765.74	127.10		
d Control number	Dept.	Corp.	Employer use only
0000003241 WQW	314	SL56	A 652
e Employer's name, address, and ZIP code			
CHOICE HOTELS INTERNATIONAL INC AGENT FOR:CHOICE HOTELS 10750 COLUMBIA PIKE SILVER SPRING, MD 20901			
b Employer's FED ID number	a Employee's SSA number		
52-1209792			
7 Social security tips	8 Allocated tips		
9 Advance EIC payment	10 Dependent care benefits		
11 Nonqualified plans	12a See instructions for box 12		
	C 1.28		
14 Other	12b		
	12c		
	12d		
15 State	Employer's state ID no.	16 State wages, tips, etc.	
DC	300000010350	8765.74	
17 State income tax	18 Local wages, tips, etc.		
535.00			
19 Local income tax	20 Locality name		

1 Wages, tips, other comp.	2 Federal income tax withheld		
8765.74	1323.17		
3 Social security wages	4 Social security tax withheld		
8765.74	543.48		
5 Medicare wages and tips	6 Medicare tax withheld		
8765.74	127.10		
d Control number	Dept.	Corp.	Employer use only
0000003241 WQW	314	SL56	A 652
e Employer's name, address, and ZIP code			
CHOICE HOTELS INTERNATIONAL INC AGENT FOR:CHOICE HOTELS 10750 COLUMBIA PIKE SILVER SPRING, MD 20901			
b Employer's FED ID number	a Employee's SSA number		
52-1209792			
7 Social security tips	8 Allocated tips		
9 Advance EIC payment	10 Dependent care benefits		
11 Nonqualified plans	12a See instructions for box 12		
	C 1.28		
14 Other	12b		
	12c		
	12d		
15 State	Employer's state ID no.	16 State wages, tips, etc.	
DC	300000010350	8765.74	
17 State income tax	18 Local wages, tips, etc.		
535.00			
19 Local income tax	20 Locality name		

1 Wages, tips, other comp.	2 Federal income tax withheld		
8765.74	1323.17		
3 Social security wages	4 Social security tax withheld		
8765.74	543.48		
5 Medicare wages and tips	6 Medicare tax withheld		
8765.74	127.10		
d Control number	Dept.	Corp.	Employer use only
0000003241 WQW	314	SL56	A 652
e Employer's name, address, and ZIP code			
CHOICE HOTELS INTERNATIONAL INC AGENT FOR:CHOICE HOTELS 10750 COLUMBIA PIKE SILVER SPRING, MD 20901			
b Employer's FED ID number	a Employee's SSA number		
52-1209792			
7 Social security tips	8 Allocated tips		
9 Advance EIC payment	10 Dependent care benefits		
11 Nonqualified plans	12a See instructions for box 12		
	C 1.28		
14 Other	12b		
	12c		
	12d		
15 State	Employer's state ID no.	16 State wages, tips, etc.	
DC	300000010350	8765.74	
17 State income tax	18 Local wages, tips, etc.		
535.00			
19 Local income tax	20 Locality name		

YEAR-END Performance Appraisal
Professional / Technical

CHOICE HOTELS
INTERNATIONAL

PERSONAL INFORMATION

Name:	Carla Chambers	Review Period:	1/1/2009-12/31/2009
Choice ID:	23173	Hire Date:	7/23/2007
Position Title:	Developer	Time In Current Position:	2 years 5 months
Location:	Silver Spring	Choice Salary Grade:	E13
Evaluating Manager:	Lisa Saunders	Current Annualized Salary:	\$56,941.50
Department:	Relationship Marketing		

SUMMARIES

Competencies and MBO Ratings

Competencies	Self	Manager	Competencies	Self	Manager	Competencies	Self	Manager
Core Value and Principle			Performance Principles			Job Specific		
Communication	3.00	3.00	Collaboration	3.00	3.50	Learning & Using Technology	3.00	3.00
Cultural Values			Performance Excellence	3.00	3.00	Programs & Projects	3.00	3.00
Respect	3.00	3.00	Openness to New Ideas	3.00	2.50	Generating/Analyzing Reports	3.00	3.00
Customer Focus	3.00	3.00	Sense of Urgency	3.00	3.50	Performance Rating:	3.00	3.04
Integrity	3.00	3.00				Objectives Rating:	2.88	2.88
Inclusion & Diversity	3.00	3.00				OVERALL Rating:	2.94	2.96

Performance Summary - Self

I continue to grow in my knowledge of the hospitality industry and Choice's place in the industry. I have an enhance knowledge of the importance of the Choice Privileges loyalty program to Choice, our franchisees, and our customers. Through greater understanding of our data and the use of such, I have been able respond to the needs of internal clients with greater efficiency.

Performance Summary - Manager

Carla is becoming more and more familiar with the database and how to get to the data we need for individual campaigns. She has taken on the responsibility of managing the franchisee database ensuring that we are communicating with all of the franchisees when necessary and also removing franchisees who are no longer in our system. She has spent a great deal of time this past year tweaking the eRoad campaigns and improving the efficiency with which they run.

EXPERIENCE / EDUCATION

Choice Experience	Prior Experience	Education
Developer for 2 years 5 months	Web application development	Bachelor of Arts Speech Communication

OBJECTIVES REVIEW

Objectives	Difficulty Level	Weight	How Results Were Achieved	Self	Manager
1) Analyze and streamline at least 3 existing campaigns to have them run more efficiently.	2	25%	Updated the eRoad campaigns so that runtime has been reduced drastically	2.50	2.50
2) Increase direct mail campaign knowledge.	3	25%	Built and put into production the Expedia and LifeLock direct mail campaigns	3.00	3.00
3) Coordinate the franchisee database for franchisee communications	3	20%	Coordinated the updating of the database for new franchisees as well as franchisees leaving the Choice system.	3.00	3.00
4) Run multiple queries throughout the year as required.	3	20%	Wrote and produced queries such as Scandinavian CP members, OTA bookers, rental car awards	3.00	3.00
5) Create at least one new quarterly campaign from scratch.	3	10%	Created airline miles earner campaigns for both CP and non-CP members	3.00	3.00
Weight must total 100%				2.88	2.88

CHOICE HOTELS
 INTERNATIONAL

7/1/2009

Dear Carla,

Congratulations on earning a Star Award! This award is given to individuals who demonstrate their "star" qualities by shining brightly in the way they exhibit our cultural values – respect, customer focus, integrity, and inclusion and diversity; and our performance principles – collaboration, performance excellence, sense of urgency, and openness to new ideas. These values and principles guide our individual and collective behavior and performance, and your recent actions have been identified as an example of how we can "live the values" at Choice.

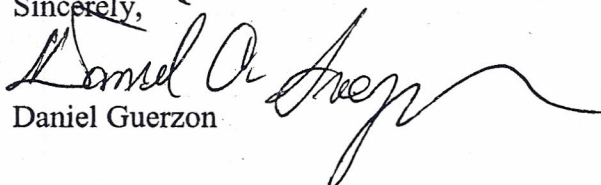
Carla Chambers, you have been an excellent resource for the CP Strategy & Communications team over the past 3 months. I appreciate your collaboration efforts with my team on several projects requiring customer data and direct mail lists. You have recognized our sense of urgency and demonstrated your customer focus by successfully completing the projects requested with excellence and in a timely fashion. In particular, you have been very instrumental to my team in our effort to update the Elite member panel participant group. This was a critical initiative since our panel membership had fallen below acceptable thresholds and we needed to target eligible customers with invitations over several months.

In addition, you have provided data allowing my team to conduct an important study for the Cambria Suites team. This study provided important feedback on the bottled water initiative involving Elite Diamond members staying at Cambria properties. Furthermore, you have very helpful in my team's development of a direct marketing promotion with our magazine partner. This campaign has been very successful, resulting in a high volume of redemptions (at no cost to Choice) from disengaged customers. The structure of the campaign has produced a positive impact on the Choice Privileges P & L.

In recognition of your outstanding contributions to the company, the management of Choice Hotels International has approved your nomination for a Level 2 Star Award. It is my pleasure to notify you that as an expression of the company's gratitude for your efforts, you will receive an additional \$500 in gross pay on your next payroll check.

Remember that the light you shine makes a difference to those around you... thank you for living the values!

Sincerely,


 Daniel Guerzon



CHOICE HOTELS
INTERNATIONAL

April 29, 2009

Carla V. Chambers
1605 E Street, SE
Washington, DC 20003

Dear Carla,

This is a follow up letter to our telephone conversation in March 2010 after receiving your "Response to Separation" letter dated March 3, 2010.

We appreciate you taking the time to bring your concerns to our attention. We want to ensure you that we take this matter seriously. However, after we reviewed the concerns raised in the above letter, we stand by our decision of separation.

We wish you the best in your future endeavors.

Sincerely,



Rhonda Stenson
Manager, Human Resources

cc: Personnel File

UNEMPLOYMENT INSURANCE APPEALS DECISION

CARLA CHAMBERS
1605 E ST SE
WASHINGTON, DC 20003-2446

SSN # [REDACTED]
Claimant

vs.

CHOICE HOTELS INT'L SRCS CORP
10750 COLUMBIA PIKE
SILVER SPRING, MD 20901-4494

Employer/Agency

Before the:
**Maryland Department of Labor,
Licensing and Regulation
Division of Appeals**
1100 North Eutaw Street
Room 511
Baltimore, MD 21201
(410) 767-2421

Appeal Number: 1019564
Appellant: Employer
Local Office : 61 / COLLEGE PARK
CLAIM CENTER

June 18, 2010

For the Claimant: PRESENT

For the Employer: PRESENT, RHONDA STENSON

For the Agency:

ISSUE(S)

Whether the claimant's separation from this employment was for a disqualifying reason within the meaning of the MD Code Annotated Labor and Employment Article, Title 8, Sections 8-1001 (voluntary quit for good cause), 8-1002 - 1002.1 (gross/aggravated misconduct connected with the work) or 8-1003 (misconduct connected with the work).

FINDINGS OF FACT

The claimant worked for the above captioned employer from July 23, 2007 until February 4, 2010 as a Relations Marketing Operations Developer earning \$55,100.00 per year in a full time capacity. The claimant was terminated for three incidents where emails were sent out to member participants that contained incorrect information or went to the wrong population of members. In three cases the employer was swamped with customer service calls that overwhelmed their customer service hot-line.

In August 2009 an email went to the wrong population of elite members and the claimant may or may not have been involved in that email construction. (See Emp. Ex. #1) In November 2009 an email was sent to 300,000 members that contained inaccurate information about the elite status level for the respective participant. (See Emp. Ex. #1) The claimant disputed the information presented to her by the employer and

did not feel that she was solely responsible for the errors. In January 2010 an email that the claimant was constructing did not go out because it failed validation and quality controls. (See Emp. Ex. #1)

On February 2, 2010 the claimant constructed an email to a population of members that should only have gone to about 3,700 members with good email addresses but bad mailing addresses. Instead the email went to 87,000 members which resulted in high call volume to the customer service lines. (See Emp. Ex. #1) The claimant disputes the assertion that the error was hers; she maintains that her supervisor did not give her correct data for the email recipient pool and that is why it went to the larger population of members. (See Cl. Ex. #1)

CONCLUSIONS OF LAW

Md. Code Ann., Labor & Emp. Article, Section 8-1003 provides for a disqualification from benefits where the claimant is discharged or suspended as a disciplinary measure for misconduct connected with the work. The term "misconduct" is undefined in the statute but has been defined as "...a transgression of some established rule or policy of the employer, the commission of a forbidden act, a dereliction of duty, or a course of wrongful conduct committed by an employee, within the scope of his employment relationship, during hours of employment, or on the employer's premises." Rogers v. Radio Shack, 271 Md. 126, 132 (1974).

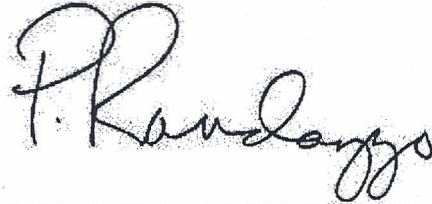
EVALUATION OF EVIDENCE

The evidence presented shows that the employer discharged the claimant. In a discharge case the employer has the burden of proving, by a preponderance of the credible evidence presented at the hearing that the discharge was for some form of misconduct, as that term is defined above. The employer has not met their burden to prove that the claimant was solely responsible for the errors that led to the email issues for which she was terminated. Specifically, the claimant credibly testified that her manager did not give her the proper data parameters for the February 2, 2010 email that directly led to her termination. She also credibly testified about the two prior email incidents and defeated the employer's allegation that those were her fault as well.

DECISION

IT IS HELD THAT the claimant was discharged, but not for misconduct connected with the work within the meaning of Md. Code Ann., Labor & Emp. Article, Section 8-1003. No disqualification is imposed based upon the claimant's separation from employment. The claimant is eligible for benefits so long as all other eligibility requirements are met. The claimant may contact Claimant Information Service concerning the other eligibility requirements of the law at ui@dlr.state.md.us or call 410-949-0022 from the Baltimore region, or 1-800-827-4839 from outside the Baltimore area. Deaf claimants with TTY may contact Client Information Service at 410-767-2727, or outside the Baltimore area at 1-800-827-4400.

The determination of the Claims Examiner is affirmed.



P G Randazzo, Esq.
Hearing Examiner

Notice of Right to Request Waiver of Overpayment

The Department of Labor, Licensing and Regulation may seek recovery of any overpayment received by the Claimant. Pursuant to Section 8-809 of the Labor and Employment Article of the Annotated Code of Maryland, and Code of Maryland Regulations 09.32.07.01 through 09.32.07.09, the Claimant has a right to request a waiver of recovery of this overpayment. This request may be made by contacting Overpayment Recoveries Unit at 410-767-2404. If this request is made, the Claimant is entitled to a hearing on this issue.

A request for waiver of recovery of overpayment does not act as an appeal of this decision.

Esto es un documento legal importante que decide si usted recibirá los beneficios del seguro del desempleo. Si usted disiente de lo que fue decidido, usted tiene un tiempo limitado a apelar esta decisión. Si usted no entiende cómo apelar, usted puede contactar (301) 313-8000 para una explicación.

Notice of Right to Petition for Review

Any party may request a review either in person, by facsimile or by mail with the Board of Appeals. Under COMAR 09.32.06.01A(1) appeals may not be filed by e-mail. Your appeal must be filed by July 06, 2010. You may file your request for further appeal in person at or by mail to the following address:

Board of Appeals
1100 North Eutaw Street
Room 515
Baltimore, Maryland 21201
Fax 410-767-2787
Phone 410-767-2781

NOTE: Appeals filed by mail are considered timely on the date of the U.S. Postal Service postmark.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

CARLA V. CHAMBERS

Plaintiff,

v.

CHOICE HOTELS INTERNATIONAL, INC.

Defendant.

)
)
) Case No. 8:11-cv-00404-DKC
)
)
)
)
)
)
)
)
)

ORDER

Upon Plaintiff's Motion to Add the entity "Choice Hotels International Services Corporation, Inc." as a second named Defendant to this action, and the Court being advised of the premises, Plaintiff may so amend the Complaint.

Plaintiff is also granted her costs and attorney fees incurred in this Motion.

SO ORDERED.

HONORABLE DEBORAH K. CASANOW
United States District Judge

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

CARLA V. CHAMBERS

Plaintiff,

v.

CHOICE HOTELS INTERNATIONAL, INC.

Defendant.

)
)
)
)
)
)
)
)
)
)
)

Case No. 8:11-cv-00404-DKC

**MEMORANDUM IN SUPPORT OF
PLAINTIFF'S MOTION TO AMEND COMPLAINT
TO ADD SECOND DEFENDANT**

Plaintiff filed the instant action after being wrongfully terminated from her employment with Defendant. In its Answer to the Complaint, Defendant asserted that it was not liable for the wrongful actions complained of because Plaintiff was employed by "Choice Hotels International Services Corporation" and not the named Defendant "Choice Hotels International."

As set forth in Plaintiff's Motion to Amend Complaint to Add Second Defendant, Plaintiff provides evidence that Defendant used both names "Choice Hotels International" and "Choice Hotels International Services Corporation" in its dealings with Plaintiff. Because Defendant uses both names, Plaintiff seeks to add both such names as named Defendants in this action.

Fed. R. Civ. Pro. 15(a)(2) authorizes the Court to "freely give leave" to a party to amend

its complaint “when justice so requires.” In the instant case, justice requires that Plaintiff be allowed to name both Defendants in the Complaint to prevent Defendant from escaping liability by employing an apparent shell game concerning its true name.

For all of the foregoing reasons, Plaintiff respectfully moves that Plaintiff be allowed to add the name “Choice Hotels International Services Corporation, Inc.” as a named Defendant in this action.

Respectfully submitted,

/s/

Charles F. Holman,
Attorney for Plaintiff
611 Park Avenue, Ste. 100
Baltimore, MD 21201
(410) 659-7500
chasfholman3@aol.com

Dated: May 6, 2011